

REMARKS

This paper is a Response to the Office Action mailed March 24, 2010. Claims 111 to 116, 120 to 130, 133 and 134 are under consideration. New claims 155 to 157, directed to the elected invention, and which recite certain amino acids of light and heavy chain variable region sequences of SEQ ID NOs:5 and 7, respectively, and which claims 121 and 122 had already recited the light and/or heavy chain variable region sequences, have been added. Accordingly, claims 111 to 116, 120 to 130, 133, 134 and 155 to 157 are under consideration.

Regarding the Interview

Applicants thank the Examiner for the Interview held on May 17, 2010, at which time proposed amended and new claims were discussed that would overcome the grounds for rejection. Applicants respectfully request consideration of the amended and new claims submitted herewith which conform with the proposed amended and new claims and the helpful suggestions offered by the Examiner.

Regarding the Claim Amendments

The claim amendments are supported throughout the specification or were made to address informalities. In particular, the amendment to claims 111 to 113 to recite certain amino acids of light and heavy chain variable region sequences of SEQ ID NOs:5 and 7, respectively, is supported, for example, by originally filed claims 16, 33 and 35. The amendments to claims 116 and 120 are supported, for example, by originally filed claims 46 and 47. The remaining amendments were made to conform the claims to the language of claim 111, were made to depend from new claim 155, and therefore address informalities. Thus, as the claim amendments are supported throughout the specification or were made to address informalities, no new matter has been added and entry thereof is respectfully requested.

Regarding the New Claims

New claims 155 to 157 are supported throughout the specification. In particular, claim 155 is supported, for example, by originally filed claims 16, 33 and 35. Claims 156 and 157 are supported, for example, by originally filed claims 51, 52 and 68. Thus, as claims 155 to 157 are supported throughout the specification, no new matter has been added and entry thereof is respectfully requested.

I. REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The rejection of claims 111 to 116, 120 to 122 and 124 to 130 under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement is respectfully traversed. The grounds for rejection are set forth in the Office Action, pages 3-19.

Claims 111 to 116, 120 to 122 and 124 to 130 are adequately enabled under 35 U.S.C. §112, for the reasons of record. In this regard, “a considerable amount of experimentation is permissible, if it is merely routine, or if the specification in question provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed.” *In re Wands* 858 F.2d 731, 737 (Fed. Cir. 1988). Here, in view of the guidance in the specification and knowledge and skill in the art at the time of the invention, variants of antibodies and antigen binding fragments having the requisite activity could be made and used without undue experimentation.

Nevertheless, solely in order to further prosecution of the application and without acquiescing to the propriety of the rejection, the claims have been amended and new claims are submitted herewith to reflect the allowable subject matter indicated at pages 19-20 of the Action. Consequently, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112, first paragraph.


CONCLUSION

In summary, for the reasons set forth herein, Applicants maintain that the claims clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (858) 509-4065. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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